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Mr. Bill Curtis
Executive Director
East Alabama Regional Planning
and Development Commission
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Regional Planning Commission -
Officers and Offices - Conflict
of Interest

An individual who may
ultimately bid on services to
be provided to the Calhoun
Urbanized Area Metropolitan
Planning Organization may serve
on the Citizens' Advisory
Committee.

Dear Mr. Curtis:

Reference is made to your request on behalf of the East Alabama Regional Planning and Development Commission for an opinion of the Attorney General regarding the Calhoun Urbanized Area Metropolitan Planning Organization. The Commission wishes to know if an individual, who may ultimately bid on services to the Metropolitan Planning Organization, may serve on a Citizens' Advisory Committee of that organization.

The following facts were set out in correspondence accompanying the request: The Calhoun Urbanized Area Metropolitan Planning Organization was established under the Urban Mass Transportation Administration Act of 1964. This Act requires the involvement of private transportation providers in Metropolitan Planning Organization planning and programming. The Calhoun Area Metropolitan Planning

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Organization has initiated this private sector involvement by asking local suppliers or potential suppliers of services to serve on the Citizens' Advisory Committee and Task Group Committee. These committees are voluntary in nature and provide for private sector input into planning and decision making. The committees have no final discretionary or decision making powers. Such powers are given to the elected public officials on the Policy Committee who have authority regarding the awarding of bids and the establishment of policies and procedures.

Code of Alabama 1975, Section 41-16-60 prohibits members or officers of the governing bodies or instrumentalities of counties, municipalities and certain state and local institutions from having a direct or indirect financial or personal beneficial interest in any contract for or purchase of personal property or contractual service. It is uncertain as to whether the East Alabama Regional Planning and Development Commission is included in the governmental agencies with which Section 41-16-60 is concerned. However, for an officer or member of a commission to make a contract which interferes with the unbiased discharge of his duty to the public in the exercise of his office as putting his private interest in conflict with his public duty is against public policy. While this is true, in the situation at hand the Attorney General is of the opinion that because the members of the Citizens' Advisory Committee of the Calhoun Urbanized Area Metropolitan Planning Organization have no discretionary or decision making powers and do not have authority in the awarding of bids, an individual who may ultimately bid on services to be provided to the Calhoun Urbanized Area Metropolitan Planning Organization may serve on the Citizens Advisory Committee.

I hope that your question has been adequately answered.

If our office can be of assistance to you in the future, please let us know.

Sincerely,

CHARLES A. GRADDICK
ATTORNEY GENERAL

BY:


LYNDA KNIGHT OSWALD
ASSISTANT ATTORNEY GENERAL